

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 MAY 27 AM 11:35

UNITED STATES OF AMERICA,

Plaintiff,

v.

Pedro TORRICO-Gonzalez,

Defendant

Magistrate Docket No. 08-111

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

'08 MJ 1639

The undersigned complainant, being duly sworn, states:

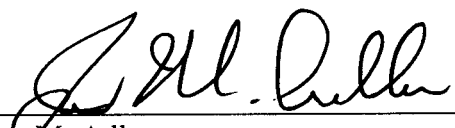
On or about **May 22, 2008** within the Southern District of California, defendant, **Pedro TORRICO-Gonzalez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF MAY 2008


Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Pedro TORRICO-Gonzalez

PROBABLE CAUSE STATEMENT

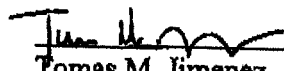
I declare under the penalty of perjury that the following statement is true and correct:

On May 22, 2008, Senior Patrol Agent Barnard was conducting line watch duties along the United States/Mexico border east of the Tecate, California Port of Entry. At approximately 8:30 p.m. Agent Barnard responded to a seismic sensor, which is approximately ten miles east, and a quarter mile north of the Tecate Port of Entry, in Tecate, California. Agent Barnard positioned himself north of the device and saw five subjects running down an area commonly called "Clarks driveway." The group saw Agent Barnard approaching and several subjects ran south towards Mexico. Agent Barnard started to search the area and encountered six subjects hiding in the brush. Agent Barnard identified himself as a United States Border Patrol Agent and questioned all the individuals as to their citizenships. All six individuals, including one later identified as, **Pedro TORRICO-Gonzalez**, admitted to being citizens and nationals of Mexico illegally present in the United States. Agent Barnard arrested the six subjects at approximately 9:00 p.m. and transported them to the Tecate Processing Center in Tecate, California.

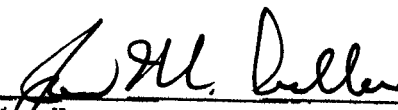
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on November 28, 2006 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Warnings and was willing to make a statement without an attorney present. The defendant freely admitted to being a citizen and national of Mexico illegally present in the United States without proper documentation.

Executed on May 24, 2008 at 9:30 a.m..


Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on May 22, 2008, in violation of Title 8, United States Code, Section 1326.


Jan M. Adler
United States Magistrate Judge


Date/Time